

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD SIMPSON,

Plaintiff,

V.

STATE OF WASHINGTON,

Defendant.

CASE NO. 3:23-cv-05545-BHS

ORDER

THIS MATTER is before the court on Magistrate Judge Leupold's Report and
nrecommendation (R&R), Dkt. 7, recommending the Court deny pro se plaintiff Richard
son's motion for leave to proceed *in forma pauperis*, Dkt. 1, as to the bulk of the
dants he has named. It recommends that the Court dismiss his complaint against
defendants without prejudice, for failure to state a plausible claim, even after he
an amended complaint, Dkt. 6, in response to Judge Leupold's prior Order, Dkt. 4.
&R also recommends that the Court grant Simpson's application to proceed *in
pauperis* as to his claims against defendant Lacey police officer Aaron Prunedea,
cluding that Simpson has stated a plausible § 1983 claim against him.

1 Simpson objects to the R&R, arguing among other things that prosecutorial
 2 immunity is not in the Constitution, but was “fabricated” by judges, many of whom were
 3 formerly prosecutors. He asserts that the legal system is in disarray and horribly corrupt.
 4 Dkt. 8 at 4–6.

5 “The district judge must determine de novo any part of the magistrate judge’s
 6 disposition that has been properly objected to. The district judge may accept, reject, or
 7 modify the recommended disposition; receive further evidence; or return the matter to the
 8 magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). A party properly objects
 9 when the party files “specific written objections” to the report and recommendation as
 10 required under Federal Rule of Civil Procedure 72(b)(2).

11 “[I]n providing for a de novo determination . . . Congress intended to permit
 12 whatever reliance a district judge, in the exercise of sound judicial discretion, chose to
 13 place on a magistrate’s proposed findings and recommendations.” *United States v.*
 14 *Raddatz*, 447 U.S. 667, 676 (1980) (internal quotation marks omitted). Accordingly,
 15 when a district court adopts a magistrate judge’s recommendation, the district court is
 16 required to merely “indicate[] that it reviewed the record de novo, found no merit
 17 to . . . [the] objections, and summarily adopt[] the magistrate judge’s analysis in [the]
 18 report and recommendation.” *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023).
 19 In so doing, district courts are “not obligated to explicitly address [the] objections.” *Id.* at
 20 437.

21 The Court has considered the R&R and Simpson’s objections to it, and it agrees
 22 with the R&R. Therefore, the R&R is **ADOPTED**. Simpson’s application to proceed *in*

1 *in forma pauperis* is **DENIED**, and his complaint against defendants State of Washington,
2 the Washington State Attorney General's Office, the Thurston County Prosecutor's
3 Office, the Lewis County Superior Court, Providence Centralia Hospital, the City of
4 Lacey Police department, Yvonne Nageotte, and Nageotte, Nageotte & Nageotte, P.C.,
5 are **DISMISSED without prejudice** and without leave to further amend, for failure to
6 state a plausible claim. Simpson's application to proceed *in forma pauperis* on his claim
7 against defendant Corporal Aaron Pruneda is **GRANTED**, as that claim is plausible.

8 IT IS SO ORDERED.

9 Dated this 22 day of September, 2023.

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BENJAMIN H. SETTLE
United States District Judge

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